In the Supreme Court of the United States

OCTOBER TERM, 1970

No. 43, Original

STATE OF OREGON, PLAINTIFF

v.

JOHN N. MITCHELL, ATTORNEY GENERAL, OF THE UNITED STATES, DEFENDANT

No. 44, Original

STATE OF TEXAS, PLAINTIFF

v.

JOHN N. MITCHELL, ATTORNEY GENERAL, OF THE UNITED STATES, DEFENDANT

MEMORANDUM FOR THE DEFENDANT

These actions, essentially identical in nature, challenge the constitutionality of the federal statute which reduces the voting age to 18, Title III of the Voting Rights Act Amendments, Public Law 91-285, 84 Stat. 318. Each of the plaintiffs seeks to invoke the original jurisdiction of this Court under Article III, Section 2 of the United States Constitution; see

401-680—70

28 U.S.C. 1251(b)(3). Their respective motions for leave to file complaints and allied documents were filed on August 3, 1970.

1. The United States submits that the motions for leave to file should be granted. The basic issue raised by these suits—the validity of Title III—is one of the questions presented by *United States* v. *Arizona*, No. 46, Original, and *United States* v. *Idaho*, No. 47, Original. The Attorney General of the United States has asked leave to institute suit in this Court in these two actions to enforce compliance with various provisions of the Voting Rights Act Amendments of 1970.[1] The controversies between the United States and each of the four states exist because of the refusal of the states to accept, absent binding adjudication, the supremacy of the federal statute. In our view, the four cases should be heard together to enable this Court to consider at one time the validity of the related voting reforms adopted by Congress in the 1970 law.

In the brief in support of both our motions for leave to file original complaints and our related motions against Arizona and Idaho, we set forth arguments similar to and, in some respect identical to, those made by the States of Oregon and Texas. We respectfully

[1] *United States* v. *Arizona* involves both Title III and Section 201 of the Amended Act. Section 201 suspends the use of literacy and other voting tests in states and counties not subject to suspension under Section 4(a) of the Voting Rights Act of 1965, 42 U.S.C. (Supp. V) 1973b(a). *United States* v. *Idaho* involves, in addition to the voting age issue, Section 202 of the Amended Act, which eliminates durational residency requirements with respect to voting for president and vice president and establishes uniform standards as to absentee registration and balloting in presidential elections.

refer the Court to pages 5–17 of our joint brief in those two cases.[2]

2. Expedited consideration of the present actions would be highly desirable. See our motions to expedite and pages 17–20 of our supporting brief in the *Arizona* and *Idaho* cases. As we suggest there, plaintiffs in all four cases should submit their respective briefs on the merits by September 10, 1970, with defendant's briefs to be filed by October 5. In that way, should the Court grant the motions for leave to file the complaints when it reconvenes in October, the cases could be heard together at the October argument session.

Respectfully submitted.

JOHN N. MITCHELL,
Attorney General.

ERWIN N. GRISWOLD,
Solicitor General.

JERRIS LEONARD,
Assistant Attorney General.

AUGUST 1970.

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[2] We are supplying Oregon and Texas with copies of our motions, complaints and supporting brief in the *Arizona* and *Idaho* cases.

U.S. GOVERNMENT PRINTING OFFICE: 1970